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| 10/658,889 | 09/10/2003 | Hirokazu Suzu | 04995/118001 | 3207 |

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EXAMINER

SCHNURR, JOHN R

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/658,889 | Applicant(s) SUZU, HIROKAZU | |
| | Examiner John R. Schnurr | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/07/2007, 09/10/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 3-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 9 and 10 are objected to because of the following informalities:

The term "alarm message" in claims 9 and 10 has no antecedent basis in the specification and should be avoided.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3-8 are rejected under 35 U.S.C. 102(e) as being anticipated by
Hendricks et al. (US Patent 7,134,131), herein Hendricks.

Consider **claim 3**, Hendricks clearly teaches a television receiver comprising:

a display section; (**Fig. 3: column 5 lines 13-18**)

a receiving section adapted to receive television broadcasting signals corresponding to a plurality of channels, and operable to extract one of the television broadcasting signals corresponding to a selected one of the channels; **(Fig. 3: A receiver module, column 5 lines 32-39, receives broadcast programming from the national broadcaster 110, Fig. 1. The receiver module may include one or more receivers. A tuner 166, coupled to the receiver module, tunes to an appropriate channel to display a program provided by the national broadcaster.)**

a display control section **(Fig. 3: Processor controls operation of the components, column 5 lines 13-15)** operable to cause the display section to display either an image of being broadcasted by the extracted one of the television broadcasting signals, **(Fig. 3: A display, column 5 lines 15-17, displays the programming provided by the national broadcaster.)**

a watching reserving section operable to store watching reserving information designating a watching starting time and one of the channels; **(Fig. 3: A memory, column 5 lines 19-23, stores programming instructions and other information related to receiving and watching broadcast programs. An automatic tune command, column 33 lines 5-8, causes the tuner 166 to be tuned to the appropriate broadcast channel prior to the start time of the program. This is evidence that a watching reserving section stores watching reserving information that includes starting time and a channel)**

a watching reserving executing section operable to automatically cause the display control section to display the broadcasted image in the display section, in a case where the one of the channels designated by the watching reserving information is selected when the watching starting time designated by the watching reserving information is reached, **(Fig. 3: An automatic tune command, column 33 lines 5-8, causes the tuner 166 to be tuned to the appropriate broadcast channel prior to the start time of the program. A display, column 5 lines 15-17, displays the programming provided by the national broadcaster.)** and the synthesized image is displayed in the display section. **(The order and authorization system, column 22 lines 36-40, may provide local authorization codes for two or more programs that air at the same time. The terminal may display the programs in a picture-in-picture format.)**

Consider **claim 4**, Hendricks clearly teaches a television receiver comprising:

a display section; **(Fig. 3: column 5 lines 13-18)**

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a receiving section receive television broadcasting signal signals corresponding to a plurality of channels, and operable to extract one of the television broadcasting signals corresponding to a selected one of the channels; **(Fig. 3: A receiver module, column 5 lines 32-39, receives broadcast programming from the national broadcaster 110, Fig. 1. The receiver module may include one or more receivers. A tuner 166, coupled to the receiver module, tunes to an appropriate channel to display a program provided by the national broadcaster.)**

a display control section **(Fig. 3: Processor controls operation of the components, column 5 lines 13-15)** operable to cause the display section to display of either an image being broadcasted by the extracted one of the television broadcasting signals, **(Fig. 3: A display, column 5 lines 15-17, displays the programming provided by the national broadcaster.)**

a watching reserving section operable to store watching reserving information designating a watching starting time and one of the channels; **(Fig. 3: A memory, column 5 lines 19-23, stores programming instructions and other information related to receiving and watching broadcast programs. An automatic tune command, column 33 lines 5-8, causes the tuner 166 to be tuned to the appropriate broadcast channel prior to the start time of the program. This is evidence that a watching reserving section stores watching reserving information that includes starting time and a channel)**

a watching reserving executing section operable to automatically cause the display control section to reduce the size of the OSD image, in a case where the one of the channels designated by the watching reserving information is selected when the watching starting time designated by the watching reserving information is reached, and the synthesized image is displayed in the display section. **(The order and authorization system, column 22 lines 36-40, may provide local authorization codes for two or more programs that air at the same time. The terminal may display the programs in a picture-in-picture format. A microprocessor, column 48 line 67 to column 49 line 2, is part of the set top terminal 880, Fig. 18B. The microprocessor instructs the tuner 603, Fig. 19, to select a channel. If the video is to be reduced in size, so as to be placed within a video window, i.e., picture-in-picture format, the video is scaled to the appropriate size.)**

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Consider **claim 5**, Hendricks clearly teaches the television receiver according to claim 3, further comprising a setting section operable to invalidate the automatic operation of the watching reserving executing section. **(After a subscriber has selected a program, column 34 lines 7-9, the system determines if a cancel program order has been received, column 34 lines 31-59. Receipt of said cancel program order causes the system to tune away from the de-authorized program.)**

Consider **claim 6**, Hendricks clearly teaches the television receiver according to claim 4, further comprising a setting section function operable to invalidate the automatic operation of the watching reserving executing section. **(After a subscriber has selected a program, column 34 lines 7-9, the system determines if a cancel program order has been received, column 34 lines 31-59. Receipt of said cancel program order causes the system to tune away from the de-authorized program.)**

Consider **claim 7**, Hendricks clearly teaches the television receiver according to claim 3, wherein the OSD image **(The order and authorization system, column 22 lines 36-40, may provide local authorization codes for two or more programs that air at the same time. The terminal may display the programs in a picture-in-picture format. A microprocessor, column 48 line 67 to column 49 line 2, is part of the set top terminal 880, Fig. 18B. The microprocessor instructs the tuner 603, Fig. 19, to select a channel. If the video is to be reduced in size, so as to be placed within a video window, i.e., picture-in-picture format, the video is scaled to the appropriate size.)** includes an image based on electronic program guide information **(Program selection begins with the subscriber viewing a menu of program choices, column 17 lines 42-46, in an electronic program guide, which includes related program information.)** contained in the received television broadcasting signals. **(The electronic program guide, column 5 lines 9-11, may be broadcast by the national broadcaster and displayed at the terminal.)**

Consider **claim 8**, Hendricks clearly teaches the television receiver according to claim 4, wherein the OSD image **(The order and authorization system, column 22 lines 36-40, may provide local authorization codes for two or more programs that air at the same time. The terminal may display the programs in a picture-in-picture format. A microprocessor, column 48 line 67 to column 49 line 2, is part of the set top terminal 880, Fig. 18B. The microprocessor instructs the tuner 603, Fig. 19, to select a channel. If the video is to be reduced in size, so as to be placed within a video window, i.e., picture-in-picture format, the video is scaled to the appropriate size.)** includes an image based on electronic program guide information **(Program selection begins with the subscriber viewing a menu of program choices, column 17 lines 42-46, in an electronic program guide, which includes**

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related program information.) contained in the received television broadcasting signals. **(The electronic program guide, column 5 lines 9-11, may be broadcast by the national broadcaster and displayed at the terminal.)**

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hendricks et al. (US Patent 7,134,131)** in view of **Hendricks et al. (US Patent 5,734,853)**, herein Hendricks '853.

Consider **claim 9**, Hendricks clearly teaches the television receiver according to claim 3.

However, Hendricks does not explicitly teach wherein in a case where one of the channels which is not designated by the watching reserving information is selected when the watching starting time designated by the watching reserving information is reached, the watching reserving executing section is operable to cause the display control section to an alarm message in the display section in a superposed manner.

In an analogous art, Hendricks '853, which discloses a television receiver, clearly teaches wherein in a case where one of the channels which is not designated by the watching reserving information is selected when the watching starting time designated by the watching reserving information is reached, the watching reserving executing section is operable to cause the display control section to an alarm message in the display section in a superposed manner. **(The subscriber is warned, column 36 lines 47-57, prior to automatically switching from a currently watched program that a previously selected program is about to begin.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hendricks by including the program notification, as taught by Hendricks '853, for the benefit of giving the

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viewer advanced notice of the pending program change, enabling either the viewing or cancellation of the scheduled program.

Consider **claim 10**, Hendricks clearly teaches the television receiver according to claim 4.

However, Hendricks does not explicitly teach wherein in a case where one of the channels which is not designated by the watching reserving information is selected when the watching starting time designated by the watching reserving information is reached, the watching reserving executing section is operable to cause the display control section to an alarm message in the display section in a superposed manner.

In an analogous art, Hendricks '853, which discloses a television receiver, clearly teaches wherein in a case where one of the channels which is not designated by the watching reserving information is selected when the watching starting time designated by the watching reserving information is reached, the watching reserving executing section is operable to cause the display control section to an alarm message in the display section in a superposed manner. **(The subscriber is warned, column 36 lines 47-57, prior to automatically switching from a currently watched program that a previously selected program is about to begin.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hendricks by including the program notification, as taught by Hendricks '853, for the benefit of giving the viewer advanced notice of the pending program change, enabling either the viewing or cancellation of the scheduled program.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JRS

A handwritten signature in black ink, appearing to read 'Ch Grant', is positioned above the printed name.

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600